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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Francis V. Smith

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EXAMINER

GREENHUT, CHARLES N

ART UNIT

PAPER NUMBER

3652

DATE MAILED: 11/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/688,917	<b>Applicant(s)</b> SMITH, FRANCIS V.	
	<b>Examiner</b> Charles N. Greenhut	<b>Art Unit</b> 3652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 18 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-11 and 14-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 14-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 3/19/04 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**I. Drawings**

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 120.
2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "122" has been used to designate both the "web" (pg. 3 Li. 17 - not shown in drawing) and tow member.
3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "113" has been used to designate both the handle and toe plate contact area (pg. 36).
4. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required

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corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

## **II. Claim Rejections - 35 USC § 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claim(s) 1-11, 16-17, 23-24 and 26 is/are rejected under 35 U.S.C. 102(b) as being anticipated by applicants admitted prior art as illustrated in figures 1-3.

1.1. With respect to claim 1, and 23-24, Applicant's Figures 1-3 disclose a tapered box beam assembly (at 114) having a width less than that of the trailer (Fig. 2A), extending from a pickup shaft arrangement (113), linking to a center portion (at 103) of an end of a trailer bed (91), the center portion (at 103) spaced from the sides (103') of the trailer bed (91), at least two tapered box beam rails (109) aligned with a trailer bed support rail (103), top (107) and bottom (111) portions, the top portion (107) including the hitch contact area (117), ramp sections (105) that can be removed, off-road axle assembly (99) and adapter block (115).

1.2. With respect to claim 2, Applicant's Figures 1-3 disclose a pair of tapered side rails (109) at least two tapered box beam rails (116) disposed therebetween discloses, cross members (shown laterally connecting 103', but not labeled in Fig. 2A & 2B), successive heights thereof following the tapers of the side rails.

- 1.3. With respect to claims 3-6, Figures 1-3 discloses a tapered box beam (101) extending from a pickup shaft (113) along a trailer length and means for distributing a load to only a center portion (at 102) of an end of the trailer bed (e.g., via junction 102) and tapered side rails (109) connected by cross members (shown but not labeled) which distribute the load laterally (to 103')
- 1.4. With respect to claims 10-11, Applicant's Figures 1-3 disclose a tapered box beam assembly (101) having top (104)/(107) and bottom (111) portions, extending from a pickup shaft arrangement (113), linking to a center portion (at 103) of an end of a trailer bed (91), the center portion (at 103) spaced from the side sections (103') of the trailer bed (91), at least two tapered support rails (116)/(109) aligned with a trailer bed support rail (103)/(103') that extend a length of a trailer, cross members (shown laterally connecting 103', but not labeled in Fig. 2A & 2B) and ramp sections (105).
- 1.5. With respect to claims 7-9 Applicant's Figures 1-3 disclose a central box beam (101) having top (104)/(107) and bottom (111) portions, tapered rails (109)/(116) extending from pickup shaft (113) to bed (91) front portion (at 102) two support rails (103') aligned with central support rails (103), that extend a length of the trailer, side sections (103') linked to the central section (103) via cross members (shown but not labeled) which extend through or laterally and outward from the center rails, and a pair of ramp sections (105) adapted to be removably attachable, the box beam disposed therebetween, and an axle assembly (99)

1.6. With respect to claims 16-17, Applicant's Figures 1-3 additionally disclose a longitudinal rail (103) between the sides (e.g., front and back side) of the side bed and a lighter duty (103') outer rail.

1.7. With respect to claims 26, Applicant's Figures 1-3 additionally disclose straight support rails (103), and a rear axle mounting plate (shown but not numbered supporting axle 99).

### **III. Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claim(s) 14 and 27-28 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over applicants admitted prior art as illustrated in Figures 1-3.

1.1. With respect to claim 14, Applicant's Figures 1-3 fails to disclose the tapered rails having webs and opposing flanges, however, rails having webs and opposing flanges are well known in the art to be light weight and structurally rigid and are shown at (103) and (106). It would have been obvious to one of ordinary skill in the art to modify Applicant's admitted prior art with tapered rails (109)/(116) with webs and opposing flanges in order to provide lightweight structural rigidity.

1.2. With respect to claim 27-28, Applicant's Figures 1-3 fails to specify the attachment method for the rear axle mounting plate. Welding is a procedure that is well known and commonly practiced in the art. It would have been obvious to one of ordinary

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skill in the art to weld the rear axle mounting plate in order to attach the rear ends.

Additionally, the plates have surfaces capable of resting components being hauled by the trailer.

2. Claim(s) 15, and 18-22 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over applicants admitted prior art as illustrated in Figures 1-3 in view of ALLNUTT (US 4,570,967 A).

2.1. With respect to claim 15, Applicant's Figures 1-3 fails to disclose side bed sections using link plates and pins or opening containing flanges to connect cross members. ALLNUTT teaches side bed sections using opening (90) containing flanges (92) and pins (94) to connect cross members (88). It would have been obvious to one of ordinary skill in the art to modify the Applicant's admitted prior art with the side beds having opening containing flanges and pins to connect the cross members of ALLNUTT in order to have the ability to selectively increase or decrease the lateral size of the trailer bed.

2.2. With respect to claims 18-20, Applicant's Figures 1-3 fails to disclose a removable rear single or dual axle assembly. ALLNUTT teaches a removable rear dual axle assembly (32)/(32)/(20). It would have been obvious to one of ordinary skill in the art to modify Applicant's admitted prior art with the rear removable axle assembly of ALLNUTT in order to have the ability to selectively increase or decrease the longitudinal size of the trailer.

2.3. With respect to claims 21-22, Applicant's Figures 1-3 additionally discloses a width to allow over-the-road travel. Applicant's Figures 1-3 fails to disclose driving to a site

so the side sections and off-road axle can be attached and removing the side beds and axle assembly and loading them onto the trailer for over the road travel. Driving the trailer to a site is obvious to one having ordinary skill in the art. ALLNUTT teaches removing the side beds and axle assembly and loading them onto the trailer for over the road travel (Col. 2 Li. 51 et seq.). It would have been obvious to one of ordinary skill in the art to modify Applicant's admitted prior art with the removable side sections and axle and transport them over the road on the over-the-road trailer in order to increase the control of the vehicle and realize economic advantages.

3. Claim(s) 29-30 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over applicants admitted prior art as illustrated in Figures 1-3 in view of FRENCH (US 6,767,172 B2).

3.1. With respect to claims 29-30, Applicant's Figures 1-3 fails to disclose fenders and portions of the plates containing the resting surfaces extending therethrough. FRENCH teaches fenders and portions of the plates containing the resting surfaces extending therethrough (at 110). It would have been obvious to one of ordinary skill in the art to modify Applicant's admitted prior art with fenders and plates containing resting surfaces mounted therethrough as taught by FRENCH in order to divert mud drawn up from the wheels and rest objects on, respectively.

4. Claim(s) 24-25 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted prior art as illustrated in Figures 1-3 in view of TALBERT (US 3,536,340 A).

4.1. With respect to claims 24-25, Applicant's Figures 1-3 fails to disclose separately pivotable adapted blocks. TALBERT teaches separately pivotal adapter blocks (31) on a top surface in an operating position underneath a top surface in a stored position.



It would have been obvious to one of ordinary skill in the art to modify Applicant's admitted prior art with the pivotable ramps of TALBERT in order to facilitate front end loading and unloading of the trailer.

#### **IV. Response to Applicant's Arguments**

Applicant's arguments entered 10/18/06 have been fully considered but are not persuasive.

1. Applicant argues that claim 1 as amended patentably distinguishes over the admitted prior art because the prior art fails to teach "an end of each tapered box beam rail aligned with a pair of trailer support rails in the center portion" as required by the present amendment. This argument is not persuasive. Firstly it is noted that the term aligned does not necessarily require that the recited components be collinear as applicant seems to suggest in remarks. This interpretation would not seem to agree with applicant's chosen claim language either since applicant is reciting "each rail" aligned with "a pair." The fact that the ends of the tapered rails share a common plane with the support rails is sufficient to render them "aligned" within the broadest reasonable interpretation of that term. Additionally however, even if "aligned" were interpreted to mean that each tapered rail was collinear with a respective one of the pair of central support rails, this limitation could also be met by the admitted prior art, as noted in the previous office action. I.e., tapered rails (109) could be considered the tapered sides of the box beam (as opposed to 116), which when combined with a central top plate (107) and central section of bottom plate (111) can be considered to disclose a tapered box beam assembly that meets all the limitations of claim 1 as discussed above.

2. Applicant argues that claim 3, as amended, patentably distinguishes over the admitted prior art because the prior art fails to teach “the tapered box beam having a width less than the width of the trailer” as required by the present amendment. This argument is not persuasive. As discussed above, tapered rails (109) could be considered the tapered sides of the box beam (as opposed to 116), which when combined with a central top plate (107) and central section of bottom plate (111) can be considered to disclose a tapered box beam assembly that is less than the width of the trailer.
3. Applicant argues that claim 5, as amended, patentably distinguishes over the admitted prior art because the prior art fails to teach distributing the lifting load to a center portion. This argument is not persuasive. In order to meet the limitations of claim 5 it is not required that the prior art actually teach distributing the lifting load only along a center portion, merely a means to do so. Since interface (102) is capable of performing this function it meets the limitation.
4. Applicant argues that claims 7, and 10, as amended, patentably distinguishes over the admitted prior art because the prior art fails to teach removable ramp sections. This argument is not persuasive. The prior art ramp sections are clearly disclosed as removable at page 18, line 23 - page 19 line 1 of the specification.
5. Applicant argues that claim 14 is not rendered obvious because it would not be obvious to employ rails having webs and opposing flanges. This argument is not persuasive. Rails having webs and opposing flanges, a.k.a., I-beams are well known structural members and are commonly employed because of their strength, machineability, weldability and

availability. Beams having webs and opposing flanges are shown in other components of the prior and are clearly well-known.

6. Applicant argues that claim 24, as amended, is not rendered obvious by TALBERT because TALBERT fails to teach the adapted block underneath the top surface in the stored position. This argument is not persuasive. The examiner acknowledges the distinction between the adapter block described in applicant's preferred embodiment and that taught by TALBERT however limitations from the specification are not read into the claims. The adapted block (31) of TALBERT has a first position on the top surface of the front portion (26) of the trailer (Fig. 1) and a second position (Fig. 6) underneath that portion. Though the block is not directly underneath the surface of the trailer, the block is underneath the trailer in Fig. 6 within the broadest reasonable interpretation of that term.

## **V. Conclusion**

1. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).
2. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles N. Greenhut whose telephone number is (571) 272-1517. The examiner can normally be reached on 7:30am - 4:00pm EST.
4. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen D. Lillis can be reached on (571) 272-6928. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.
5. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CG



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